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C O N F I D E N T I A L SECTION 01 OF 02 MAPUTO 000175

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SUBJECT: EU OBSERVER MISSION REPORT NOTES ELECTIONS CONCERNS

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Classified By: Ambassador Leslie V. Rowe for reasons 1.4 (b+d)

¶1. (C) SUMMARY: On February 16, the EU Election Observer Mission (EU EOM) released its final report on the October national elections in Mozambique. In the ensuing press conference, Chief Observer and European Parliamentarian Fiona Hall noted an unclear and contradictory legal framework governing elections, concerns with counting and tabulation in some areas, and a poorly functioning system for complaints and appeals; but fell short of assigning specific blame for any shortcomings. Hall noted that the EU EOM had concerns about a "limitation of voter choice." The EU EOM report details serious flaws including the large-scale disqualification of legislative candidates during the campaign, and political manipulation of the electoral space by the ruling party through the National Electoral Commission (CNE). Following the release of the report, diplomats from several EU member countries were displeased that the report was not even more hard-hitting, and criticized the "kid gloves" approach taken by the EU EOM in failing to apportion blame on the ruling Frelimo party for the flawed election cycle. But the report has still raised many concerns and received considerable attention, both from the GRM and civil society. END SUMMARY.

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EU OBSERVER MISSION RELEASES REPORT  
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¶2. (C) The EU Election Observer Mission (EU EOM) released its final report (available at [http://www.cip.org.mz/election2009/ndoc2009/294 Final Report EU EOM en.pdf](http://www.cip.org.mz/election2009/ndoc2009/294%20Final%20Report%20EU%20EOM%20en.pdf)) on the October 2009 Presidential, Legislative, and Provincial elections. The report summarizes the efforts of 24 long-term observers, who began observing the electoral process on October 4, and 72 short-term observers who arrived several days prior to the October 28 elections. Counting local observers from EU member state missions, the EU EOM fielded 129 observers from 24 EU member states. (Note: Mission Maputo fielded more than fifty percent of the 68 locally recruited diplomatic observers in a parallel effort organized by the UNDP, and data from this UN-organized observer mission was then aggregated into the polling station data used by the EU.)

¶3. (C) On February 16, the Chief Observer Fiona Hall, a member of the European Parliament, described the elections processes on polling day itself as generally positive. Evidence of this, according to the EU report, included orderly voting day processes, an electoral environment that included freedom of speech, and neutral media reports about the various candidates. Hall reported that areas of concern included an unclear and contradictory legal framework

governing elections, concerns with counting and tabulation in some areas, and a poorly functioning system for complaints and appeals. As an annex to the report, the EU EOM made 25 recommendations for changes to the electoral system in the areas of legal framework, election administration, voter registration, political parties and candidates, campaign environment, voter education, election observation, complaints and appeals, vote counting and tabulation, and the media.

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CHIEF OBSERVER SAYS "LIMITED VOTER CHOICE"  
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¶4. (C) When questioned by reporters about whether the EU EOM considered the October 2009 election to be "free and fair," Hall side-stepped the issue, saying she had some concerns about a "limitation of voter choice," and that the "process had a lack of transparency and a problem with the legal framework." Hall was careful not to assign any blame to the ruling party or any other group, and avoided direct discussion of the National Electoral Commission's (CNE's) massive disqualification of opposition candidates for the legislative assembly, which virtually assured a super-majority for the ruling FRELIMO party.

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REPORT IS OCCASIONALLY CONTRADICTORY  
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¶5. (C) Despite the EU EOM's observation that the voting process on election day was relatively calm, its report notes a host of irregularities on October 28, including numerous instances of political party delegates ordered to leave

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polling stations before the counting process began. International observers and party delegates were also not allowed to observe the aggregation of results at the district, provincial, and national levels in many instances. Ballot stuffing was a problem, according to the report, including 135 cases of polling stations displaying turnouts of 100 percent or higher. The high number of spoiled opposition party ballots, which in some cases were reinstated by the CNE, is mentioned only in passing.

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REPORT MENTIONS MAJOR ELECTORAL SHORTCOMINGS  
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¶6. (C) The EU EOM report refers to direct political manipulation of the process by the ruling party through the CNE, stating that "key stakeholders, including opposition political parties, questioned the CNE's independence, despite a recent reform of its membership with a view of including civil society members in its structure." Referring to the disqualification of opposition party legislative candidates, the report states "the process of registration of candidate lists for the National Assembly and Provincial Assembly elections sparked particular controversy. The variety of legal documents regulating the process created uncertainty..."

¶7. (C) The EU EOM report goes on to say that election day irregularities were of limited concern because "the very wide margin of victory for FRELIMO resulted in limited concerns about the impact of violations on results." Paradoxically, the report goes on to state that the "absence of a full list of polling stations with numbers of registered voters however limits any opportunity to produce an accurate evaluation of the statistical distortion caused by ballot stuffing or tabulation fraud."

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COMMENT: EU REPORT NOTES A SERIOUSLY FLAWED ELECTION,  
BUT COULD HAVE BEEN MORE FORWARD-LEANING

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18. (C) Local diplomats from several EU member states were apoplectic in conversations with Emboffs following the release of the report, citing its many analytical shortcomings and the absence of any attempt to assign blame for a seriously flawed election. They criticized the emphasis on improvements in the process instead of on more significant concerns about the political will involved in ensuring free and fair elections. Some frustration among the EU member states' representatives in Mozambique is linked to the EU EOM's move in October to muzzle EU members, banning them from making any statements about the electoral situation for fear of influencing the process. Local EU diplomats' responses also suggest that the observer mission failed to vet its report with member states. It is troubling that the EU EOM report's conclusions are far from rigorous, perhaps due to a lack of seriousness of some of the Mission's senior staff. But the report has still raised many concerns and received considerable attention, both from the GRM and civil society.

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